

Message Text

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ACTION OES-04

INFO OCT-01 ARA-06 EUR-12 EA-06 IO-10 ISO-00 FEA-01

ACDA-05 CIAE-00 INR-07 L-02 NSAE-00 NSC-05 EB-07

NRC-05 ERDE-00 /071 W

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P 021425Z APR 75

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 5662

INFO AEC GERMANTOWN PRIORITY

AMEMBASSY BONN PRIORITY

AMEMBASSY BRASILIA PRIORITY

USMISSION EC BRUSSELS PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY SEOUL PRIORITY

AMEMBASSY TOKYO PRIORITY

C O N F I D E N T I A L IAEA VIENNA 2749

EO 11652: GDS

TAGS: IAEA TECH PARM FR KS

SUBJ: PROPOSED FRANCE/IAEA/ROK TRILATERAL SAFEGUARDS AGREEMENT

REF: IAEA VIENNA 2263

1. FOLLOWING ARE KEY PROVISIONS RELATING TO IAEA SECRETARIAT'S
APPROACH TO "SAFEGUARDING TECHNOLOGY" IN RESPONSE TO GOF
REQUEST REPORTED REFTEL:

A. :SECTION 1(F). "SPECIFIED INFORMATION" MEANS ANY
INFORMATION, DESIGNATED AS SUCH BY THE GOVERNMENT OF THE
REPUBLIC OF FRANCE, ON THE DESIGN, CONSTRUCTION OR OPERATION
OF ANY NUCLEAR FACILITY OR SPECIFIED EQUIPMENT OR ON THE
PREPARATION, USE OR ON PROCESSING OF NUCLEAR MATERIAL OR
SPECIFIED MATERIAL."

B. "SECTION 2. THE GOVERNMENT OF THE REPUBLIC OF
KOREA UNDERTAKES THAT THE FOLLOWING ITEMS SHALL NOT BE
USED IN SUCH A WAY AS TO FURTHER ANY MILITARY PURPOSE AND,
IN PARTICULAR, SHALL NOT BE USED FOR NUCLEAR WEAPONS OR
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OTHER NUCLEAR EXPLOSIVE DEVICES:

(A) NUCLEAR MATERIAL AND FACILITIES, SPECIFIED EQUIPMENT AND MATERIAL SUPPLIED BY THE REPUBLIC OF FRANCE;

(B) NUCLEAR FACILITIES AND SPECIFIED EQUIPMENT WHICH ARE DESIGNED, CONSTRUCTED OR OPERATED ON THE BASIS OF OR BY THE USE OF SPECIFIED INFORMATION SUPPLIED BY FRANCE; AND

(C) SPECIAL FISSIONABLE OR OTHER NUCLEAR MATERIAL, INCLUDING SUBSEQUENT GENERATIONS OF SPECIAL FISSIONABLE MATERIAL WHICH HAS BEEN PRODUCED, PROCESSED OR USED ON THE BASIS OF OR BY THE USE OF ANY ITEM REFERRED TO IN (A) AND (B) ABOVE OR ANY SPECIFIED INFORMATION SUPPLIED BY THE REPUBLIC OF FRANCE."

C. "SECTION 6(C). EITHER THE GOVERNMENT OF THE REPUBLIC OF KOREA OR THE GOVERNMENT OF THE REPUBLIC OF FRANCE, IN CONSULTATION WITH THE REPUBLIC OF KOREA, SHALL INFORM THE AGENCY OF ANY NUCLEAR FACILITIES AND SPECIFIED EQUIPMENT IN THE REPUBLIC OF KOREA WHICH ARE DESIGNED, CONSTRUCTED OR OPERATED ON THE BASIS OF OR BY THE USE OF SPECIFIED INFORMATION SUPPLIED BY THE REPUBLIC OF FRANCE."

D. "SECTION 7(A) THE MAIN PART OF THE INVENTORY WITH RESPECT TO THE REPUBLIC OF KOREA SHALL LIST: ... (2) ... NUCLEAR FACILITIES AND SPECIFIED EQUIPMENT IN KOREA WHICH ARE DESIGNED, CONSTRUCTED OR OPERATED ON THE BASIS OF OR BY THE USE OF SPECIFIED INFORMATION SUPPLIED BY THE REPUBLIC OF FRANCE;"

E. "SECTION 28. THIS AGREEMENT SHALL REMAIN IN FORCE UNTIL SAFEGUARDS HAVE BEEN TERMINATED ON:

(A) NUCLEAR MATERIAL AND FACILITIES, SPECIFIED EQUIPMENT AND MATERIAL SUPPLIED BY THE REPUBLIC OF FRANCE;

(B) NUCLEAR FACILITIES AND SPECIFIED EQUIPMENT WHICH ARE DESIGNED, CONSTRUCTED OR OPERATED ON THE BASIS OF OR BY THE USE OF SPECIFIED INFORMATION SUPPLIED BY FRANCE; AND

(C) SPECIAL FISSIONABLE OR OTHER NUCLEAR MATERIAL, INCLUDING SUBSEQUENT GENERATIONS OF SPECIAL FISSIONABLE MATERIAL, WHICH HAS BEEN PRODUCED, PROCESSED OR USED ON THE BASIS OF OR BY THE USE OF ANY ITEM REFERRED TO IN (A) AND (B) ABOVE OR ANY SPECIFIED INFORMATION SUPPLIED BY THE REPUBLIC OF FRANCE."

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2. REMAINDER OF TEXT CONTAINS STANDARD PROVISIONS OF OTHER TRILATERAL SAFEGUARDS AGREEMENTS.

3. DRAFT HAS BEEN PROVIDED TO FRENCH AND ROK REPS FOR REVIEW AND COMMENT. WE DO NOT RPT NOT KNOW WHETHER THEY WILL ACCEPT THIS APPROACH, BUT WE BELIEVE IT IS SATISFACTORY AND COULD BE HIGHLY USEFUL PRECEDENT FOR FUTURE AGREEMENTS IN CASES WHERE OBJECTIVE IS TO ARRANGE FOR APPLICATION OF

SAFEGUARDS ON ITEMS DERIVED FROM TRANSFER OF TECHNOLOGY.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR ENERGY, NEGOTIATIONS, NUCLEAR SAFEGUARDS
Control Number: n/a
Copy: SINGLE
Draft Date: 02 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975IAEAV02749
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750114-0219
From: IAEA VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750490/aaaadedn.tel
Line Count: 117
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OES
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 IAEA VIENNA 2263
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 03 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 APR 2003 by KelleyW0>; APPROVED <07 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PROPOSED FRANCE/IAEA/ROK TRILATERAL SAFEGUARDS AGREEMENT
TAGS: TECH, PARM, FR, KS, IAEA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006